

Not for Publication

**United States District Court
for the District of New Jersey**

ADRIEL LOPEZ,

Plaintiff,

v.

INTEGRATED COMPUTER SALES &
SERVICE, INC., MICHAEL CARDELLA, and
JOHN DOES 1-5 AND 6-10,

Defendants.

Civil No.: 14-5026 (KSH)

Opinion and Order

Katharine S. Hayden, U.S.D.J.

This matter comes before the Court upon motion by the defendants, Integrated Computer Sales & Service Inc. and Michael Cardella, to dismiss the complaint. The Court has reviewed the parties' submissions, and notes as follows:

- The complaint [D.E. 1] asserts claims against defendants for unpaid overtime wages under the Fair Labor Standards Act, as amended 29 U.S.C. §201, and the New Jersey Wage and Hour Law.
- Defendants move to dismiss the complaint [D.E. 5] on the grounds that (1) the controversy is controlled by a valid arbitration provision, and alternatively (2) that Lopez's claims are barred by the employment agreement that he entered into with defendant Integrated Computer Sales & Service Inc.
- Lopez, in his opposition to the motion to dismiss [D.E. 8], does not dispute the existence of an arbitration agreement and "requests that the Court deny the motion to dismiss, but enter an order staying this matter compelling arbitration."

Lopez, having consented to an order staying this matter pending the outcome of arbitration, and with good cause appearing,

IT is on this 29th day of June, 2015

ORDERED that defendants' motion to dismiss [D.E. 5] is **denied**; and it is further

ORDERED that, given plaintiff's request to stay this action, the Court will exercise its discretion and stay these proceedings until such time that the arbitration is complete. *See e.g.*, 9 U.S.C. § 3; *Lloyd v. Hovensa*, 369 F. 3d 263, 269 (3d Cir. 2004). For purposes of judicial economy, the Clerk's Office is hereby directed to administratively terminate this action pending the outcome of the arbitration. Plaintiff shall notify the Court upon completion of the arbitration if this matter should be restored to the active docket.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.